

CHAPTER 5—FUNCTIONS AND POWERS

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AMENDMENTS

2010—Pub. L. 111-330, §1(6)(B), Dec. 22, 2010, 124 Stat. 3569, which directed amendment of “section 524(a)” of Pub. L. 111-281 by substituting “101. Appeals and waivers.” for “102. Appeals and waivers.” in subsec. (b), was executed by making the substitution in section 524(b) of Pub. L. 111-281 to reflect the probable intent of Congress. See below.

Pub. L. 111-281, title V, §524(b), Oct. 15, 2010, 124 Stat. 2959, as amended by Pub. L. 111-330, §1(6)(B), Dec. 22, 2010, 124 Stat. 3569, added item 102.

Pub. L. 111-281, title II, §216(b), Oct. 15, 2010, 124 Stat. 2917, added item 100.

Pub. L. 111-281, title II, §208(c), Oct. 15, 2010, 124 Stat. 2912, as amended by Pub. L. 111-330, §1(1), Dec. 22, 2010, 124 Stat. 3569, added item 99.

2004—Pub. L. 108-293, title II, §213(b), Aug. 9, 2004, 118 Stat. 1037, added item 98.

1998—Pub. L. 105-383, title II, §205(b), Nov. 13, 1998, 112 Stat. 3416, added item 95 and struck out former item 95 “Civilian agents authorized to carry firearms”.

1996—Pub. L. 104-324, title III, §311(b), title XI, §1128(b), Oct. 19, 1996, 110 Stat. 3920, 3984, added items 96 and 97.

1988—Pub. L. 100-448, §10(b), Sept. 28, 1988, 102 Stat. 1842, added item 95.

1976—Pub. L. 94-546, §1(5), (7), Oct. 18, 1976, 90 Stat. 2519, substituted “Federal Aviation Administration” for “Federal Aviation Agency” in item 82, and struck out item 87.

1974—Pub. L. 93-283, §1(4), May 14, 1974, 88 Stat. 140, struck out “on fixed structures” after “maritime navigation” in item 85.

1961—Pub. L. 87-396, §2, Oct. 5, 1961, 75 Stat. 827, added item 94.

1958—Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808, substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics” in item 82.

1956—Act June 4, 1956, ch. 351, §3, 70 Stat. 227, substituted “Aids to maritime navigation on fixed structures” for “Failure to maintain lights” in item 85.

§ 81. Aids to navigation authorized

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

- (1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense and as required by any of those officials; and

(3) electronic aids to navigation systems (a) required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or any department within the Department of Defense; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as requested by the Administrator of the Federal Aviation Administration.

These aids to navigation other than electronic aids to navigation systems shall be established and operated only within the United States, the waters above the Continental Shelf, the territories and possessions of the United States, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located. The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; June 22, 1951, ch. 150, 65 Stat. 89; Sept. 3, 1954, ch. 1263, §30, 68 Stat. 1237; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89-662, §1, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94-546, §1(3), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-322, title I, §105(a), Oct. 15, 1982, 96 Stat. 1582.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed.; §§50m, 50o, and on title 33, U.S.C., 1946 ed., §§720, 720a, 739, 740, 740a, 740b, 769 (R.S. 4668; June 23, 1874, ch. 455, §1, 18 Stat. 220; June 17, 1910, ch. 301, §7, 36 Stat. 538; Mar. 3, 1915, ch. 81, §5, 38 Stat. 927; Aug. 28, 1916, ch. 414, §3, 39 Stat. 538; May 22, 1926, ch. 371, §6, 44 Stat. 626; Feb. 25, 1925, ch. 313, §3, 45 Stat. 1262; Aug. 16, 1937, ch. 665, §3, 50 Stat. 667; June 26, 1948, ch. 672, §§1, 3, 62 Stat. 1050).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1982—Pub. L. 97-322 authorized the Coast Guard to contractually establish, maintain, and operate aids to maritime navigation.

1976—Pub. L. 94-546 substituted “Federal Aviation Administration” for “Federal Aviation Agency” in cl. (3)(c).

1966—Pub. L. 89-662 expanded authorization for establishment, maintenance, and operation of aids to air navigation and electronic aids to navigation systems required to serve the needs of the armed forces to include needs peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or the Secretary of any department within the Department of Defense, substituted “electronic aids to navigation systems” for “Loran stations”, and altered the list of locations where aids to navigation other than electronic aids to navigation could be located by adding the waters above the Continental Shelf and by striking out places where such aids to navigation had been established prior to June 26, 1948.

1958—Pub. L. 85-726 substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics”.

1954—Act Sept. 3, 1954, substituted “Department of Defense” for “National Military Establishment”.

1951—Act June 22, 1951, extended Coast Guard’s authority to include the Trust Territory of the Pacific Islands.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency [Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office on Oct. 31, 1958.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

AIDS TO NAVIGATION REPORT

Pub. L. 105-383, title II, §208, Nov. 13, 1998, 112 Stat. 3416, provided that: “Not later than 18 months after the date of the enactment of this Act [Nov. 13, 1998], the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard’s aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.”

REPORT TO CONGRESS; CONTRACTUAL AUTHORITY; INCREASE IN RATIO OF CIVILIAN TO MILITARY EMPLOYEES

Pub. L. 97-322, title I, §105(b), Oct. 15, 1982, 96 Stat. 1582, provided that: “Not later than one year after the date of enactment of this title [Oct. 15, 1982], the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating—

“(1) the exercise by contract of the authority of the Coast Guard under section 81 of title 14, United States Code, to establish, maintain, and operate aids to navigation, including a discussion of any problems involved in exercising such authority by contract, the reasons for exercising or failing to exercise such authority by contract in particular areas, and the feasibility of expanding the exercise of such authority by contract; and

“(2) the advantages and disadvantages of increasing the ratio of civilian to military employees assigned to the establishment, maintenance, and operation of aids to navigation on the inland waterways of the United States.”

CONTRACTUAL AUTHORITY DEPENDENT UPON AVAILABILITY OF APPROPRIATED FUNDS

Pub. L. 97-322, title I, §105(c), Oct. 15, 1982, 96 Stat. 1582, provided that: “Any authority to enter into contracts provided in this section [amending this section and enacting provision set out as Report to Congress note under this section] shall be available only to the extent that appropriated funds are available for that purpose.”

EX. ORD. NO. 7521. USE OF VESSELS FOR ICE-BREAKING OPERATIONS IN CHANNELS AND HARBORS

Ex. Ord. No. 7521, Dec. 21, 1936, 1 F.R. 2527, provided:

1. The Coast Guard, operating under the direction of the Secretary of the Treasury, is hereby directed to assist in keeping open to navigation by means of ice-breaking operations, in so far as practicable and as the

exigencies may require, channels and harbors in accordance with the reasonable demands of commerce; and to use for that purpose such vessels subject to its control and jurisdiction or which may be made available to it under paragraph 2 hereof as are necessary and are reasonably suitable for such operations.

2. The Secretary of War [Army], the Secretary of the Navy, and the Secretary of Commerce are hereby directed to cooperate with the Coast Guard in such ice-breaking operations, and to furnish the Coast Guard, upon the request of the Commandant thereof, for this service such vessels under their jurisdiction and control as in the opinion of the Commandant, with the concurrence of the head of the Department concerned, are available and are, or may readily be made, suitable for this service.

§ 82. Cooperation with Administrator of the Federal Aviation Administration

The Coast Guard, in establishing, maintaining, or operating any aids to air navigation herein provided, shall solicit the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by subchapter II of chapter 22 of title 10 or part A of subtitle VII of title 49.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; Sept. 3, 1954, ch. 1263, §31, 68 Stat. 1237; Pub. L. 85-726, title XIV, §1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 89-662, §2, Oct. 14, 1966, 80 Stat. 912; Pub. L. 94-546, §1(4), (5), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-295, §2(3), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 99-640, §10(a)(3), Nov. 10, 1986, 100 Stat. 3549; Pub. L. 103-272, §5(d), July 5, 1994, 108 Stat. 1373; Pub. L. 104-201, div. A, title XI, §1122(c), Sept. 23, 1996, 110 Stat. 2687.)

HISTORICAL AND REVISION NOTES

1949 ACT

Based on title 14, U.S.C., 1946 ed., §50n (June 26, 1948, ch. 672, §2, 62 Stat. 1050). 81st Congress, House Report No. 557.

1982 ACT

The citation “(49 U.S.C. 1301 et seq.)” is substituted for “(ch. 20 of title 49)” for consistency in title 14. The words “chapter 167 of title 10” are substituted for “sections 7392 and 7394 of title 10” to reflect the replacement of those sections by chapter 167 of title 10 under section 1(50) of the bill.

AMENDMENTS

1996—Pub. L. 104-201 substituted “subchapter II of chapter 22” for “chapter 167”.

1994—Pub. L. 103-272 amended last sentence generally, substituting “chapter 167 of title 10 or part A of subtitle VII of title 49” for “the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.), or by the provisions of chapter 167 of title 10”.

1986—Pub. L. 99-640 substituted “(49 App. U.S.C. 1301 et seq.)” for “, as amended (49 U.S.C. 1301 et seq.)”.

1982—Pub. L. 97-295 substituted “(49 U.S.C. 1301 et seq.)” for “(ch. 20 of title 49)” and “chapter 167 of title 10” for “sections 7392 and 7394 of title 10”.

1976—Pub. L. 94-546, §1(5), substituted “Federal Aviation Administration” for “Federal Aviation Agency” in section catchline.

Pub. L. 94-546, §1(4), substituted “Federal Aviation Administration” for “Federal Aviation Agency” wherever appearing in first sentence.

1966—Pub. L. 89-662 substituted “granted by the Federal Aviation Act of 1958, as amended (ch. 20 of title 49), or by the provisions of sections 7392 and 7394 of title 10” for “granted by the provisions of section 458 of Title 5, or by section 475(e) of Title 49 or subchapter III of chapter 9 of that title”.

1958—Pub. L. 85-726 substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics”, and “Federal Aviation Agency” for “Civil Aeronautics Administration”.

1954—Act Sept. 3, 1954, substituted “section 175(e) of Title 49 or subchapter III of chapter 9 of that title” for “sections 175(f) or 451 to 458 of Title 49”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency [Federal Aviation Administration] first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office on Oct. 31, 1958.

§ 83. Unauthorized aids to maritime navigation; penalty

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation continues shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500; Pub. L. 93-283, §1(1), May 14, 1974, 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §759 (June 20, 1906, ch. 3447, §3, 34 Stat. 324; June 17, 1910, ch. 301, §6, 36 Stat. 538; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1974—Pub. L. 93-283 substituted “maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority” for “maritime navigation without first obtaining authority”.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 84. Interference with aids to navigation; penalty

It shall be unlawful for any person, or public body, or instrumentality, excluding the armed forces, to remove, change the location of, obstruct, wilfully damage, make fast to, or interfere with any aid to navigation established, installed, operated, or maintained by the Coast Guard pursuant to section 81 of this title, or with any aid to navigation lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of this title, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

(Aug. 4, 1949, ch. 393, 63 Stat. 500.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946, ed., §§761, 762 (May 14, 1908, ch. 168, §6, 35 Stat. 162; June 17, 1910, ch. 301, §6, 36 Stat. 538; Mar. 3, 1915, ch. 81, §8, 38 Stat. 928; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 85. Aids to maritime navigation; penalty

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States. Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding \$100 for each day which such violation continues.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; June 4, 1956, ch. 351, §1, 70 Stat. 226; Pub. L. 93-283, §1(2), May 14, 1974, 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §760 (May 14, 1908, ch. 168, §5, 35 Stat. 162).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1974—Pub. L. 93-283 struck out “on fixed structures” after “maritime navigation” in section catchline and in text substituted “fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the

United States" for "fixed structures in or over navigable waters of the United States".

1956—Act June 4, 1956, amended section generally, vesting in Secretary rule-making authority, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed structures in or over navigable waters of the United States, and excluding agencies of United States from its provisions.

§ 86. Marking of obstructions

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on the navigable waters or waters above the continental shelf of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; Pub. L. 89-191, Sept. 17, 1965, 79 Stat. 822; Pub. L. 93-283, §1(3), May 14, 1974, 88 Stat. 139.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., §736 (R.S. 4676; June 17, 1910, ch. 301, §6, 36 Stat. 538; Aug. 16, 1937, ch. 665, §1, 50 Stat. 666; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1974—Pub. L. 93-283 substituted "the navigable waters or waters above the continental shelf of the United States" for "any navigable waters of the United States".

1965—Pub. L. 89-191 vested sole responsibility for wreck marking in the Coast Guard by giving the Secretary discretionary authority to mark wrecks or other similar obstructions for as long as in his judgment the needs of maritime navigation may require, by removing reference to responsibility of the Department of the Army to mark wrecks, after abandonment and before removal, and by giving the Secretary the authority to terminate an owner's liability to pay the cost of marking a wreck.

[§ 87. Repealed. Pub. L. 94-546, §1(6), (7), Oct. 18, 1976, 90 Stat. 2519]

Section, act Aug. 4, 1949, ch. 393, §1, 63 Stat. 501, related to color and numbering of buoys along coast, or in bays, harbors, sounds, or channels, as indicating whether such buoys were to be passed on the starboard or port hand and prescribed the coloring for buoys in channel ways.

§ 88. Saving life and property

(a) In order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to

render aid to persons and property imperiled by flood, the Coast Guard may:

(1) perform any and all acts necessary to rescue and aid persons and protect and save property;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the Coast Guard; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b)(1) Subject to paragraph (2), the Coast Guard may render aid to persons and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized.

(2) The Commandant shall make full use of all available and qualified resources, including the Coast Guard Auxiliary and individuals licensed by the Secretary pursuant to section 8904(b) of title 46, United States Code, in rendering aid under this subsection in nonemergency cases.

(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

(1) guilty of a class D felony;

(2) subject to a civil penalty of not more than \$5,000; and

(3) liable for all costs the Coast Guard incurs as a result of the individual's action.

(d) The Secretary shall establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills, which may include rescue diver training.

(Aug. 4, 1949, ch. 393, 63 Stat. 501; Pub. L. 91-278, §1(3), June 12, 1970, 84 Stat. 304; Pub. L. 100-448, §30(a), Sept. 28, 1988, 102 Stat. 1849; Pub. L. 101-595, title IV, §401, Nov. 16, 1990, 104 Stat. 2989; Pub. L. 104-324, title II, §213(a), Oct. 19, 1996, 110 Stat. 3915.)

HISTORICAL AND REVISION NOTES

Derived from title 14, U.S.C., 1946 ed., §§29, 53, 55, 60, 61, 62, 63, 104, and title 34, U.S.C., 1946 ed., §471 (R.S. 1536, R.S. 2759; June 18, 1878, ch. 265, §4, 20 Stat. 163; Apr. 19, 1906, ch. 1640, §§1-3, 34 Stat. 123; May 12, 1906, ch. 2454, 34 Stat. 190; June 24, 1914, ch. 124, 38 Stat. 387; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786).

This section broadens existing law in that it authorizes the Coast Guard to engage in saving life and property in the broadest possible terms, without limitation as to place. This section reflects existing sentiment as to Coast Guard functions in relation to saving life and property. There is no intention to supersede or conflict with the present authority of the Civil Aeronautics Board to investigate certain aircraft wrecks. 81st Congress, House Report No. 557.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-324 added subsec. (d).

1990—Subsec. (c). Pub. L. 101-595 added subsec. (c).
 1988—Subsec. (b). Pub. L. 100-448 designated existing provisions as par. (1), substituted “Subject to paragraph (2), the Coast Guard” for “The Coast Guard”, and added par. (2).

1970—Subsec. (a). Pub. L. 91-278 substituted “on and under the high seas and on and under the waters” for “on the high seas and on waters” in introductory text.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM

Pub. L. 107-295, title III, §346, Nov. 25, 2002, 116 Stat. 2107, provided that:

“(a) REPORT.—The Secretary of the department in which the Coast Guard is operating shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act [Nov. 25, 2002] and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(b) CONTENTS.—The report required by subsection (a) shall—

“(1) set forth the scope of the modernization, the schedule for completion of the System, and information on progress in meeting the schedule and on any anticipated delays;

“(2) specify the funding expended to-date on the System, the funding required to complete the System, and the purposes for which the funds were or will be expended;

“(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

“(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

“(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea [see 33 U.S.C. 1602 and notes thereunder];

“(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

“(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selected calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 and thereafter;

“(8) identify existing systems available to close all identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

“(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.”

HELICOPTER RESCUE SWIMMING PROGRAM

Pub. L. 98-557, §9, Oct. 30, 1984, 98 Stat. 2862, required Secretary of department in which Coast Guard was operating to use such sums as necessary, from amounts appropriated for operation and maintenance of Coast Guard, to establish helicopter rescue swimming program for purpose of training selected Coast Guard personnel in rescue swimming skills, prior to repeal by Pub. L. 104-324, title II, §213(b), Oct. 19, 1996, 110 Stat. 3915.

COAST GUARD POLICIES AND PROCEDURES FOR TOWING AND SALVAGE OF DISABLED VESSELS FOR MINIMIZATION OF COAST GUARD COMPETITION OR INTERFERENCE WITH COMMERCIAL ENTERPRISE

Pub. L. 97-322, title I, §113, Oct. 15, 1982, 96 Stat. 1585, as amended by Pub. L. 100-448, §30(b), Sept. 28, 1988, 102 Stat. 1850, provided that: “The Commandant of the Coast Guard shall review Coast Guard policies and procedures for towing and salvage of disabled vessels in order to further minimize the possibility of Coast Guard competition or interference (other than by the Coast Guard Auxiliary) with private towing activities or other commercial enterprise.”

§ 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

(Aug. 4, 1949, ch. 393, 63 Stat. 502; Aug. 3, 1950, ch. 536, § 1, 64 Stat. 406.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 45–47, 51, 52, 66, 67, 104, and on title 33, U.S.C., 1946 ed., § 755 (R.S. 2747, 2758, 2760, 2762; June 18, 1878, ch. 265, § 4, 20 Stat. 163; June 16, 1880, ch. 235, 21 Stat. 263; June 22, 1936, ch. 705, §§ 1–3, 49 Stat. 1820; July 11, 1941, ch. 290, § 7, 55 Stat. 585).

The words “or such merchandise” are inserted in the last clause of subsection (a) in order to provide for situations where it may be desirable to seize merchandise without seizing the vessel.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1950—Subsec. (a). Act Aug. 3, 1950, struck out “to” before “examine” in second sentence.

ANNUAL REPORT ON DRUG INTERDICTION

Pub. L. 104–324, title I, § 103, Oct. 19, 1996, 110 Stat. 3905, as amended by Pub. L. 109–241, title IX, § 901(p)(1), July 11, 2006, 120 Stat. 565, provided that: “Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”

ENHANCED DRUG-INTERDICTION ASSISTANCE

Pub. L. 99–145, title XIV, § 1421, Nov. 8, 1985, 99 Stat. 750, required assignment of a member of the Coast Guard to each surface naval vessel at sea in a drug-interdiction area to perform law enforcement functions, prior to repeal by Pub. L. 99–570, title III, § 3053(b)(3), Oct. 27, 1986, 100 Stat. 3207–76. See section 379 of Title 10, Armed Forces.

§ 90. Ocean stations

(a) The Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

(b) The Coast Guard is authorized, subject to approval by the Administrator of the Federal Aviation Administration, to operate, on floating ocean stations authorized herein, such air navigation facilities as the Administrator may find necessary or desirable for the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating such air navigation facilities shall request the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage.

(Aug. 4, 1949, ch. 393, 63 Stat. 502; Pub. L. 85–726, title XIV, § 1404, Aug. 23, 1958, 72 Stat. 808; Pub. L. 94–546, § 1(8), Oct. 18, 1976, 90 Stat. 2519.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 50k, 50l (June 22, 1948, ch. 600, 62 Stat. 574).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94–546 substituted “Federal Aviation Administration” for “Federal Aviation Agency” wherever appearing.

1958—Subsec. (b). Pub. L. 85–726 substituted “Administrator of the Federal Aviation Agency” for “Administrator of Civil Aeronautics” in two places, and “Federal Aviation Agency” for “Civil Aeronautics Administration”.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85–726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment made by Pub. L. 85–726 shall be effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency [now Federal Aviation Administration] first appointed under Pub. L. 85–726 qualifies and takes office. The Administrator was appointed, qualified, and took office on Oct. 31, 1958.

§ 91. Safety of naval vessels

(a) The Secretary may control the anchorage and movement of any vessel in the navigable waters of the United States to ensure the safety or security of any United States naval vessel in those waters.

(b) If the Secretary does not exercise the authority in subsection (a) of this section and immediate action is required, the senior naval officer present in command may control the anchorage or movement of any vessel in the navigable waters of the United States to ensure the safety and security of any United States naval vessel under the officer’s command.

(c) If a person violates, or a vessel is operated in violation of, this section or a regulation or order issued under this section, the person or vessel is subject to the enforcement provisions in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

(d) As used in this section “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Aug. 4, 1949, ch. 393, 63 Stat. 503; Pub. L. 99–640, § 10(a)(4), Nov. 10, 1986, 100 Stat. 3549; Pub. L. 109–241, title II, § 201, July 11, 2006, 120 Stat. 519.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 48a (Nov. 15, 1941, ch. 471, § 1, 55 Stat. 763).

Changes were made in phraseology. 81st Congress, House Report No. 557.

REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in subsec. (d), is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–241 added subsec. (d).

1986—Pub. L. 99–640 amended section generally. Prior to amendment, section read as follows: “The captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or

where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command.”

§ 92. Secretary; general powers

For the purpose of executing the duties and functions of the Coast Guard the Secretary may within the limits of appropriations made therefor:

(a) establish, change the limits of, consolidate, discontinue, and re-establish Coast Guard districts;

(b) arrange with the Secretaries of the Army, Navy and Air Force to assign members of the Coast Guard to any school maintained by the Army, Navy, and Air Force, for instruction and training, including aviation schools;

(c) construct, or cause to be constructed, Coast Guard shore establishments;

(d) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire vessels, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

[(e) Repealed. Oct. 31, 1951, ch. 654, §1(32), 65 Stat. 702]

(f) acquire land or interests in land, including acceptance of gifts thereof, where required for the purpose of carrying out any project or purpose for which an appropriation has been made;

(g) exchange land or interests in land in part or in full payment for such other land or interests in land as may be necessary or desirable, the balance of such part payment to be defrayable in accordance with other provisions of this section;

(h) exercise any of the powers vested by this title in the Commandant in any case in which the Secretary deems it appropriate; and

(i) do any and all things necessary to carry out the purposes of this title.

(Aug. 4, 1949, ch. 393, 63 Stat. 503; Oct. 31, 1951, ch. 654, §§1(32), 2(9), 3(3), 65 Stat. 702, 707, 708; Pub. L. 97-295, §2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 98-557, §15(a)(3)(D), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 107-217, §3(c)(1), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 111-350, §5(c)(1), Jan. 4, 2011, 124 Stat. 3847.)

HISTORICAL AND REVISION NOTES

This section grants broad general powers concerning policy matters to the Secretary. Many of the powers are contained in existing law but some are enlarged and some additional powers are added as explained following.

Subsection (a) is based on title 14, U.S.C., 1946 ed., §95 (Aug. 29, 1916, ch. 417, 39 Stat. 601). Said section has been divided. The provision authorizing the Secretary to man stations seems more appropriately given to the operational head of the Service, the Commandant, and for that reason is incorporated in section 93(c) of this title.

Subsection (b) is based on title 14, U.S.C., 1946 ed., §28, 42 (Aug. 16, 1916, ch. 417, 39 Stat. 601; July 3, 1926, ch. 742, §11, 44 Stat. 817). These sections were rewritten in order to broaden existing authority in regard to the

training of Coast Guard personnel at schools of the other armed forces, thus approaching a practice of war time, and making for economy in the training of Service personnel; such training would be on a basis mutually satisfactory to the Secretaries involved.

Subsection (c) is based on R.S. 4242 and on title 14, U.S.C., 1946 ed., §§29, 93, 94, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §2, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; June 6, 1940, ch. 257, §4, 54 Stat. 247; Aug. 6, 1947, ch. 502, 61 Stat. 786). This subsection broadens existing law in that it provides general legislative authority for the construction and disposal of shore establishments of all types including aviation stations.

Subsection (d) is based in part on title 14, U.S.C., 1946 ed., §§55, 57, 69, 109, and in part on title 31, U.S.C., 1946 ed., §§487, 720, (R.S. 2748, 3618, 3692; June 18, 1878, ch. 265, §3, 20 Stat. 163; Aug. 29, 1916, ch. 417, 39 Stat. 601). This subsection broadens existing law in that it provides general legislative authority for the design, construction, acquisition by other means, and disposal of vessels.

Subsection (e) is new. It is derived from title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, §602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]) which provides for the exchange of vehicles, planes, and engines; similar authority in relation to vessels, is granted to the Secretary by this subsection and should prove advantageous to the Government.

Subsection (f) is based on title 14, U.S.C., 1946 ed., §96 and on title 33, U.S.C., 1946 ed., §§729, 730, 731 (Mar. 3, 1875, ch. 130, §1, 18 Stat. 372; Mar. 4, 1909, ch. 299, 35 Stat. 972; June 17, 1910, ch. 301, §9, 36 Stat. 538; Mar. 4, 1913, ch. 168, 37 Stat. 1018). This subsection broadens the power of the Secretary to receive as a gift or purchase sites for stations, to include the acquisition of land by any means provided it is for the purpose of executing duties and functions of the Coast Guard.

Subsection (g) is based in part on title 33, U.S.C., 1946 ed., §732 (Aug. 28, 1916, ch. 414, §2, 39 Stat. 538; July 11, 1941, ch. 290, §1, 55 Stat. 584) and grants authority to the Secretary to exchange interests in land as payment or part payment for other interests in land for the purpose of executing the duties and functions of the Coast Guard; this authority, on the basis of past experience, will prove advantageous to the Government.

Subsection (h) is new and merely insures that the Secretary may exercise any of the powers granted to the Commandant in this title.

Subsection (i) is based in part on title 14, U.S.C., 1946 ed., §§51, 131 (R.S. 2756, 2758) and insures that the Secretary may do anything necessary to carry out the purposes of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

2011—Subsec. (d). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2002—Subsec. (d). Pub. L. 107-217 inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

1984—Subsec. (b). Pub. L. 98-557 substituted reference to members for reference to officers and enlisted men.

1982—Subsec. (d). Pub. L. 97-295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

1951—Subsec. (c). Act Oct. 31, 1951, §3(3), struck out provision relating to sale or other disposition of unsuitable or unserviceable shore establishments, and disposition of the net monies received therefrom.

Subsec. (d). Act Oct. 31, 1951, §2(9), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and

struck out requirement that net monies received from the disposition of vessels be covered into the Treasury.

Subsec. (e). Act Oct. 31, 1951, §1(32), repealed subsec. (e) which empowered the Secretary to exchange vessels and parts thereof in part payment for new vessels.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION

Pub. L. 111-281, title III, §307, Oct. 15, 2010, 124 Stat. 2927, provided that:

“(a) PURPOSE.—The purpose of this section is to ensure safe and secure maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

“(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating is encouraged to enter into negotiations through the International Maritime Organization to conclude and execute agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

“(1) placement and maintenance of aids to navigation;

“(2) appropriate marine safety, tug, and salvage capabilities;

“(3) oil spill prevention and response capability;

“(4) maritime domain awareness, including long-range vessel tracking; and

“(5) search and rescue.

“(c) COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.—The Committee on the Maritime Transportation System established under a directive of the President in the Ocean Action Plan, issued December 17, 2004, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

“(d) AGREEMENTS AND CONTRACTS.—The Secretary of the department in which the Coast Guard is operating may, subject to the availability of appropriations, enter into cooperative agreements, contracts, or other agreements with, or make grants to individuals and governments to carry out the purpose of this section or any agreements established under subsection (b).

“(e) ICEBREAKING.—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation by means of icebreaking where necessary, feasible, and effective to carry out the purposes of this section.

“(f) INDEPENDENT ICE BREAKER ANALYSES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 15, 2010], the Secretary of the department in which the Coast Guard is operating shall require a nongovernmental, independent third party (other than the National Academy of Sciences) that has extensive experience in the analysis of military procurements, to—

“(A) conduct a comparative cost-benefit analysis, taking into account future Coast Guard budget projections (which assume Coast Guard budget growth of no more than inflation) and other recapitalization needs, of—

“(i) rebuilding, renovating, or improving the existing fleet of polar icebreakers for operation by the Coast Guard;

“(ii) constructing new polar icebreakers for operation by the Coast Guard;

“(iii) construction of new polar icebreakers by the National Science Foundation for operation by the Foundation;

“(iv) rebuilding, renovating, or improving the existing fleet of polar icebreakers by the National Science Foundation for operation by the Foundation; and

“(v) any combination of the activities described in clause (i), (ii), (iii), or (iv) to carry out the missions of the Coast Guard and the National Science Foundation; and

“(B) conduct a comprehensive analysis of the impact on all Coast Guard activities, including operations, maintenance, procurements, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

“(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report containing the results of the analyses required under paragraph (1), together with recommendations the Commandant considers appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(g) HIGH-LATITUDE STUDY.—Not later than 90 days after the date of enactment of this Act [Oct. 15, 2010] or the date of completion of the ongoing High-Latitude Study to assess polar icebreaking mission requirements for all Coast Guard missions including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce, whichever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant considers appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(h) ARCTIC DEFINITION.—In this section the term ‘Arctic’ has the same meaning as in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).”

CONVEYANCE OF COAST GUARD VESSELS FOR PUBLIC PURPOSES

Pub. L. 111-281, title IX, §914, Oct. 15, 2010, 124 Stat. 3018, provided that:

“(a) IN GENERAL.—Whenever the transfer of ownership of a Coast Guard vessel or aircraft to an eligible entity for use for educational, cultural, historical, charitable, recreational, or other public purposes is authorized by law or declared excess by the Commandant, the Coast Guard shall transfer the vessel or aircraft to the General Services Administration for conveyance to the eligible entity.

“(b) CONDITIONS OF CONVEYANCE.—The General Services Administration may not convey a vessel or aircraft to an eligible entity as authorized by law unless the eligible entity agrees—

“(1) to provide the documentation needed by the General Services Administration to process a request for aircraft or vessels under section 102.37.225 of title 41, Code of Federal Regulations;

“(2) to comply with the special terms, conditions, and restrictions imposed on aircraft and vessels under section 102.37.460 of such title;

“(3) to make the vessel available to the United States Government if it is needed for use by the Commandant of the Coast Guard in time of war or a national emergency; and

“(4) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, that occurs after conveyance of the vessel,

except for claims arising from use of the vessel by the United States Government under paragraph (3).

“(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects any obligation of the Coast Guard or any other person under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law regarding use or disposal of hazardous materials including asbestos and polychlorinated biphenyls.

“(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ‘eligible entity’ means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.”

IMPLEMENTATION OF INTERNATIONAL AGREEMENTS

Pub. L. 109–241, title VIII, §801, July 11, 2006, 120 Stat. 562, provided that: “In consultation with appropriate Federal agencies, the Secretary of the department in which the Coast Guard is operating shall work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization by flag States on whom such agreements are binding, including implementation of—

“(1) a code outlining flag State responsibilities and obligations;

“(2) an audit regime for evaluating flag State performance;

“(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

“(4) cooperative arrangements to improve enforcement on a bilateral, regional, or international basis.”

VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS

Pub. L. 109–241, title VIII, §802, July 11, 2006, 120 Stat. 563, provided that: “In consultation with appropriate Federal, State, and local government agencies, the Secretary of the department in which the Coast Guard is operating shall undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines and support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.”

GREAT LAKES LIGHTHOUSES

Pub. L. 107–295, title III, §345, Nov. 25, 2002, 116 Stat. 2106, provided that:

“(a) FINDINGS.—The Congress finds the following:

“(1) The Great Lakes are home to more than 400 lighthouses. One hundred and twenty of these maritime landmarks are in the State of Michigan.

“(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region’s political, economic, and social history.

“(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

“(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

“(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

“(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

“(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of the department in which the Coast Guard is operating, may—

“(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

“(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as excess to the needs of the Coast Guard, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties.”

VHF COMMUNICATIONS SERVICES

Pub. L. 107–295, title IV, §406, Nov. 25, 2002, 116 Stat. 2116, provided that:

“(a) The Secretary of the department in which the Coast Guard is operating may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard.

“(b) Commercial VHF communication equipment placed on real property under the administrative control of the Coast Guard under this section shall not interfere in any manner with any current or future Coast Guard communication equipment.

“(c) Nothing in this section shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 [Pub. L. 104–104] (47 U.S.C. 332 note) with respect to the availability of property or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.”

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS; NOTICE TO RECIPIENTS OF ASSISTANCE

Pub. L. 104–324, title XI, §1127, Oct. 19, 1996, 110 Stat. 3983, provided that:

“(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act [see Tables for classification] should be American-made.

“(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.”

COAST GUARD VESSEL DESIGN

Pub. L. 101–380, title IV, §4203, Aug. 18, 1990, 104 Stat. 532, provided that: “The Secretary shall ensure that vessels designed and constructed to replace Coast Guard buoy tenders are equipped with oil skimming systems that are readily available and operable, and that complement the primary mission of servicing aids to navigation.”

AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM

Pub. L. 101–225, title II, §204, Dec. 12, 1989, 103 Stat. 1911, provided that:

“(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the ‘Secretary’) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade Coun-

ty, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the 'Academy').

"(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section—

"(1) shall be known as the 'Claude Pepper Junior Reserve Officers Training Program', and

"(2) shall provide to students at the Academy—

"(A) instruction in subject areas relating to operations of the Coast Guard; and

"(B) training in skills which are useful and appropriate for a career in the Coast Guard.

"(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to the Academy—

"(1) assistance in course development, instruction, and other support activities;

"(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

"(3) necessary and appropriate course materials, equipment, and uniforms.

"(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

"(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

"(2) AUTHORIZED PAY.—(A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

"(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

"(ii) the amount of retired pay the individual is entitled to receive during that period.

"(B) The Secretary shall pay to the Academy an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

"(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training."

CONSIDERATION OF MARITIME ADMINISTRATION VESSELS

Pub. L. 101-225, title II, §213, Dec. 12, 1989, 103 Stat. 1914, provided that: "Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 ([former] 46 App. U.S.C. 1271-1279c) [see 46 U.S.C. 53701 et seq.], to determine whether any of those vessels are suitable for use by the Coast Guard."

LIFESAVING EQUIPMENT ON PASSENGER FERRIES

Pub. L. 98-557, §10, Oct. 30, 1984, 98 Stat. 2863, provided that: "The Secretary of the department in which the Coast Guard is operating shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries."

LEASING OF EXISTING HOUSING FOR ASSIGNMENT AS PUBLIC QUARTERS TO MILITARY PERSONNEL AND DEPENDENTS

Pub. L. 89-381, §2, Mar. 30, 1966, 80 Stat. 97, during fiscal years 1967 through and including 1968, authorized the Secretary of the Department in which the Coast Guard was operating to lease existing housing facilities at or near Coast Guard installations in the United

States and Puerto Rico for assignment as public quarters to military personnel and their dependents.

AIRCRAFT

Provisions specifying the maximum number of aircraft on hand at any one time, exclusive of planes and parts stored to meet future attrition, were contained in the following appropriation acts:

Pub. L. 105-66, title I, Oct. 27, 1997, 111 Stat. 1426.
 Pub. L. 104-205, title I, Sept. 30, 1996, 110 Stat. 2953.
 Pub. L. 104-50, title I, Nov. 15, 1995, 109 Stat. 438.
 Pub. L. 103-331, title I, Sept. 30, 1994, 108 Stat. 2473.
 Pub. L. 103-122, title I, Oct. 27, 1993, 107 Stat. 1201.
 Pub. L. 102-388, title I, Oct. 6, 1992, 106 Stat. 1523.
 Pub. L. 102-143, title I, Oct. 28, 1991, 105 Stat. 920.
 Pub. L. 101-516, title I, Nov. 5, 1990, 104 Stat. 2158.
 Pub. L. 101-164, title I, Nov. 21, 1989, 103 Stat. 1071.
 Pub. L. 100-457, title I, Sept. 30, 1988, 102 Stat. 2126.
 Pub. L. 100-202, §101(f) [title I], Dec. 22, 1987, 101 Stat. 1329-358, 1329-359.
 Pub. L. 99-500, §101(f) [H.R. 5205, title I], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, §101(f), Oct. 30, 1986, 100 Stat. 3341-308.
 Pub. L. 99-190, §101(e) [title I], Dec. 19, 1985, 99 Stat. 1267, 1269.
 Pub. L. 98-473, title I, §101(i) [title I], Oct. 12, 1984, 98 Stat. 1944, 1945.
 Pub. L. 98-78, title I, Aug. 15, 1983, 97 Stat. 454.
 Pub. L. 97-369, title I, Dec. 18, 1982, 96 Stat. 1766.
 Pub. L. 97-102, title I, Dec. 23, 1981, 95 Stat. 1443.
 Pub. L. 96-400, title I, Oct. 9, 1980, 94 Stat. 1681.
 Pub. L. 96-131, title I, Nov. 30, 1979, 93 Stat. 1023.
 Pub. L. 95-335, title I, Aug. 4, 1978, 92 Stat. 435.
 Pub. L. 95-85, title I, Aug. 2, 1977, 91 Stat. 402.
 Pub. L. 94-387, title I, Aug. 14, 1976, 90 Stat. 1172.
 Pub. L. 94-134, title I, Nov. 24, 1975, 89 Stat. 696.
 Pub. L. 93-391, title I, Aug. 28, 1974, 88 Stat. 769.
 Pub. L. 93-98, title I, Aug. 16, 1973, 87 Stat. 330.
 Pub. L. 93-398, title I, Aug. 22, 1972, 86 Stat. 581.
 Pub. L. 92-74, title I, Aug. 10, 1971, 85 Stat. 202.
 Pub. L. 91-168, title I, Dec. 26, 1969, 83 Stat. 454.
 Pub. L. 90-464, title I, Aug. 8, 1968, 82 Stat. 654.
 Pub. L. 90-112, title II, Oct. 23, 1967, 81 Stat. 312.
 Pub. L. 89-474, title I, June 29, 1966, 80 Stat. 223.
 Pub. L. 89-57, title I, June 30, 1965, 79 Stat. 197.
 Pub. L. 88-392, title I, Aug. 1, 1964, 78 Stat. 369.
 Pub. L. 88-39, title I, June 13, 1963, 77 Stat. 59.
 Pub. L. 87-575, title I, Aug. 6, 1962, 76 Stat. 311.
 Pub. L. 87-159, title I, Aug. 21, 1961, 75 Stat. 395.
 Pub. L. 86-561, title I, June 30, 1960, 74 Stat. 285.
 Pub. L. 86-39, title I, June 11, 1959, 73 Stat. 67.
 Pub. L. 85-354, title I, Mar. 28, 1958, 72 Stat. 62.
 Pub. L. 85-37, title I, May 27, 1957, 71 Stat. 37.
 Apr. 2, 1956, ch. 161, title I, 70 Stat. 93.
 June 1, 1955, ch. 113, title I, 69 Stat. 74.
 May 28, 1954, ch. 242, title I, 68 Stat. 146.
 June 18, 1953, ch. 132, title I, 67 Stat. 69.
 June 30, 1952, ch. 523, title I, 66 Stat. 291.
 Aug. 11, 1951, ch. 301, title I, 65 Stat. 185.
 Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 639.
 June 30, 1949, ch. 286, title I, 63 Stat. 367.
 June 19, 1948, ch. 558, title I, 62 Stat. 563.
 July 1, 1947, ch. 186, title I, 61 Stat. 227.
 July 12, 1946, ch. 569, §1, 60 Stat. 531.

APPROPRIATION AUTHORIZATION FOR CONSTRUCTION OF SHORE OR OFFSHORE ESTABLISHMENTS OR FOR PROCUREMENT OF VESSELS OR AIRCRAFT

Pub. L. 88-45, §1, June 21, 1963, 77 Stat. 68, provided that after fiscal year 1964, funds could not be appropriated to or for the use of the Coast Guard for the construction of shore or offshore establishments, or for the procurement of vessels or aircraft, unless the appropriation of such funds had been authorized by legislation enacted after Dec. 31, 1963, prior to repeal by Pub. L. 99-640, §10(a)(9), Nov. 10, 1986, 100 Stat. 3549.

§ 93. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) maintain water, land, and air patrols, and ice-breaking facilities;

(2) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(3) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(4) conduct experiments, investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function, including research, development, test, or evaluation related to intelligence systems and capabilities, and cooperate and coordinate such activities with other Government agencies and with private agencies;

(5) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(6) collect, publish, and distribute information concerning Coast Guard operations;

(7) conduct or make available to personnel of the Coast Guard such specialized training and courses of instruction, including correspondence courses, as may be necessary or desirable for the good of the service;

(8) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and subject to applicable regulations under subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 dispose of them;

(9) acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies;

(10) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

(11) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(12) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(13) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in the Treasury;

(14) grant, under such terms and conditions as are deemed advisable, permits, licenses,

easements, and rights-of-way over, across, in, and upon lands under the control of the Coast Guard when in the public interest and without substantially injuring the interests of the United States in the property thereby affected;

(15) establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration, and acquire such real property rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment;

(16) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations;

(17) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities;

(18) accept, under terms and conditions the Commandant establishes, the service of an individual ordered to perform community service under the order of a Federal, State, or municipal court;

(19) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

(A) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

(B) a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims;

(20) enter into cooperative agreements with other Government agencies and the National Academy of Sciences;

(21) require that any member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon re-

ceipt, shall make the information available to the individual;

(22) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and non-profit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation);

(23) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery; and

(24) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.

(b)(1) Notwithstanding subsection (a)(14), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

(2) A lease referred to in paragraph (1) is a lease—

(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

(B) to an entity with which the Commandant has a cooperative agreement under section 4(e) of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.

(c) **MARINE SAFETY RESPONSIBILITIES.**—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 50(a)(3) shall serve as the principal advisor to the Commandant regarding—

(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

(2) approval of materials, equipment, appliances, and associated equipment;

(3) the reporting and investigation of marine casualties and accidents;

(4) the licensing, certification, documentation, protection and relief of merchant seamen;

(5) suspension and revocation of licenses and certificates;

(6) enforcement of manning requirements, citizenship requirements, control of log books;

(7) documentation and numbering of vessels;

(8) State boating safety programs;

(9) commercial instruments and maritime liens;

(10) the administration of bridge safety;

(11) administration of the navigation rules;

(12) the prevention of pollution from vessels;

(13) ports and waterways safety;

(14) waterways management; including regulation for regattas and marine parades;

(15) aids to navigation; and

(16) other duties and powers of the Secretary related to marine safety and stewardship.

(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in subsection (c) affects—

(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.

(Aug. 4, 1949, ch. 393, 63 Stat. 504; Aug. 3, 1950, ch. 536, § 2, 64 Stat. 406; Oct. 31, 1951, ch. 654, §§ 1(33), 2(10), 4(1), 65 Stat. 702, 707, 709; Pub. L. 94-546, § 1(9), Oct. 18, 1976, 90 Stat. 2519; Pub. L. 97-136, § 6(d), Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-276, § 143, Oct. 2, 1982, 96 Stat. 1199; Pub. L. 97-295, § 2(4), Oct. 12, 1982, 96 Stat. 1301; Pub. L. 97-322, title I, § 115(c), Oct. 15, 1982, 96 Stat. 1586; Pub. L. 102-241, § 7, Dec. 19, 1991, 105 Stat. 2212; Pub. L. 103-206, title II, § 202, title III, § 316, Dec. 20, 1993, 107 Stat. 2420, 2426; Pub. L. 104-324, title II, § 207(a), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105-383, title II, §§ 202, 203, Nov. 13, 1998, 112 Stat. 3414, 3415; Pub. L. 107-217, § 3(c)(2), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 108-293, title II, § 201, 217, Aug. 9, 2004, 118 Stat. 1031, 1038; Pub. L. 109-241, title IX, § 901(a), (c), July 11, 2006, 120 Stat. 564; Pub. L. 111-259, title IV, § 442(1), Oct. 7, 2010, 124 Stat. 2733; Pub. L. 111-281, title V, § 523, Oct. 15, 2010, 124 Stat. 2958; Pub. L. 111-350, § 5(c)(2), Jan. 4, 2011, 124 Stat. 3847.)

HISTORICAL AND REVISION NOTES

This section grants powers to the Commandant concerning, in general, operations within the Service and the internal functioning of the Service. Many of the powers are contained in existing law, but some are enlarged, and some additional powers are added as explained following.

Subsection (a) is derived from title 14, U.S.C., 1946 ed., § 53, and title 34, U.S.C., 1946 ed., § 471 (R.S. 1536). The authority to order vessels to cruise along the coasts should be in the operational head of the Service, and not in the President. This section is changed to cover adequately the necessary present day cruising and patrolling.

Subsection (b) is derived from R.S. 4242 and title 14, U.S.C., 1946 ed., §§ 29, 93, 94, 95, 97, 98a (R.S. 4245, 4249; May 4, 1882, ch. 117, §§ 2, 3, 22 Stat. 56; Aug. 29, 1916, ch. 417, 39 Stat. 601; Aug. 6, 1947, ch. 502, 61 Stat. 786; June 6, 1940, ch. 257, § 4, 54 Stat. 247), and specifically grants to the Commandant authority in regard to the establishment, discontinuance, and change of Coast Guard shore establishments other than Coast Guard districts. This power must exist inherently in order for the Service to function efficiently.

Subsection (c) is derived from title 14, U.S.C., 1946 ed., §§ 54, 97, 112 (May 4, 1882, ch. 117, § 3, 22 Stat. 56; May 30, 1908, ch. 231, 35 Stat. 553; Apr. 21, 1910, ch. 182, § 2, 36 Stat. 326), and specifically grants to the Commandant authority in regard to the assignment of vessels, vehicles, aids to navigation, and other equipment. This power is inherent to the proper functioning of any Service.

Subsection (d) is based on title 14, U.S.C., 1946 ed., § 91 (June 18, 1878, ch. 265, § 7, 20 Stat. 164; June 10, 1921, ch. 18, § 304, 42 Stat. 24; July 3, 1926, ch. 742, § 9, 44 Stat. 817). Said section has been divided. The part dealing with investigation of plans and inventions is covered in this subsection in broader terms, and the other parts are covered in general terms in section 632 of this title.

Subsection (e) is based on title 14, U.S.C., 1946 ed., §111 (June 18, 1878, ch. 265, §9, 20 Stat. 164). This section has been rewritten to broaden the authority to include any investigation or study that may be of assistance to the Coast Guard, the limitation as to investigation of shipwrecks having been eliminated.

Subsection (f) is new and is intended to give legislative recognition to the importance of disseminating information by the Coast Guard for the promotion of safety at sea, life-saving techniques, and other Coast Guard activities.

Subsection (g) is new and provides for the training of Coast Guard personnel at other than schools or institutions of the other armed forces. Such training is essential and has been carried on under the authority of appropriation acts for many years.

Subsection (h) is based in part on title 14, U.S.C., 1946 ed., §§69, 108, 109, (R.S. 2748; June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163), and is intended to complement the authority granted to the Secretary in sec. 92(d) of this title granting similar authority to the Commandant as to smaller craft.

Subsection (i) is based in part on title 14, U.S.C., §§108, 109, and on title 33, U.S.C., 1946 ed., §752 (June 20, 1874, ch. 344, §9, 18 Stat. 127; June 18, 1878, ch. 265, §3, 20 Stat. 163; Mar. 4, 1913, ch. 168, 37 Stat. 10183, and grants power to the Commandant to acquire and dispose of various equipment and supplies. The authority with respect to the acceptance of such equipment as a gift is new.

Subsection (j) is new and grants power to the Commandant to operate and maintain shore establishments; previously such authority has been inferred from statutes providing for the establishment of shore stations; again such authority is inherent to the functioning of any Service, and this section will provide no greater authority than has been exercised in the past.

Subsection (k) is based on title 14, U.S.C., 1946 ed., §31b (June 6, 1941, ch. 177, 55 Stat. 247 [which was originally repealed by act June 30, 1949, ch. 288, title VI, §602(a)(28), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583]). The primary authority is granted to the Commandant as well as to the Secretary inasmuch as such exchange seems to be an operational matter and the items which may be exchanged have been enlarged by the addition of aids to navigation, appliances, equipment, and supplies.

Inasmuch as the act cited above applies to the Navy as well as the Coast Guard it is not scheduled for repeal but is being amended by section 13 of this act to eliminate reference to the Coast Guard.

Subsection (l) is new and is deemed desirable in order to give legislative authority for existing yards, and for the procurement of needed equipment and material in case such is not normally or economically obtainable from private contractors.

Subsection (m) is based on title 14, U.S.C., 1946 ed., §§110, 192 (June 20, 1874, ch. 344, §6, 18 Stat. 127; June 18, 1878, ch. 265, §10, 20 Stat. 165; July 3, 1926, ch. 742, §9, 44 Stat. 817). The power to accept volunteer services is enlarged to include all services offered in time of emergency, to save life or protect property, and the restrictive provisions relating to lifeboat stations only have been eliminated.

Subsection (n) is new and grants authority to the Commandant to lease real property under the control of the Coast Guard, when not immediately needed in Coast Guard operations. Such authority will be advantageous to the Government, on the basis of past experience.

Subsection (o) is new and is supplementary to subsection (n) of this section. It grants further authority to the Commandant permitting him to grant minor interests in land which is under control of the Coast Guard. This will avoid the necessity of special acts of Congress in each of such instances.

Subsection (p) is new and is necessary to give proper authority for the maintenance of networks of wires and cables, in some cases over or along private property or public highways. These networks are in existence at

the present time and are essential for the Service to carry out its functions.

Subsection (q) is new and is necessary in order to provide clear authority for the maintenance of radio stations which are essential to Coast Guard functions.

Changes were made in phraseology. 81st Congress, House Report No. 557.

REFERENCES IN TEXT

Section 4(e) of the Ports and Waterways Safety Act, referred to in subsec. (b)(2)(B), is section 4(e) of Pub. L. 92-340, which is classified to section 1223(e) of Title 33, Navigation and Navigable Waters.

The date of enactment of this paragraph, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 111-281, which was approved Oct. 15, 2010.

AMENDMENTS

2011—Subsec. (a)(8). Pub. L. 111-350, which directed amendment of subsec. (h) by substituting “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”, was executed by making the substitution in subsec. (a)(8) to reflect the probable intent of Congress and the amendment by Pub. L. 108-293, §201. See 2004 Amendment note below.

2010—Subsec. (a)(4). Pub. L. 111-259 substituted “function, including research, development, test, or evaluation related to intelligence systems and capabilities,” for “function”.

Subsecs. (c), (d). Pub. L. 111-281 added subsecs. (c) and (d).

2006—Subsec. (a)(19). Pub. L. 109-241, §901(a), redesignated subpars. (1) and (2) as (A) and (B), respectively.

Subsec. (a)(24). Pub. L. 109-241, §901(c), redesignated par. (y) as (24).

2004—Pub. L. 108-293, §201, designated existing provisions as subsec. (a), redesignated former subsecs. (a) to (j) and (l) to (w) as pars. (1) to (23), respectively, of subsec. (a), substituted semicolon for comma at end of par. (18), and added subsec. (b).

Pub. L. 108-293, §217, which directed amendment of this section by striking out “and” after semicolon at end of “paragraph (w)”, substituting “; and” for period at end of “paragraph (x)”, and adding a paragraph designated “(y)” at the end, was executed to this section prior to the amendment by Pub. L. 108-293, §201, to reflect the probable intent of Congress. See above.

2002—Subsec. (h). Pub. L. 107-217 inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

1998—Subsec. (w). Pub. L. 105-383, §202, added subsec. (w).

Subsec. (x). Pub. L. 105-383, §203, added subsec. (x).

1996—Subsec. (v). Pub. L. 104-324 added subsec. (v).

1993—Subsec. (t). Pub. L. 103-206, §202, added subsec. (t).

Subsec. (u). Pub. L. 103-206, §316, added subsec. (u).

1991—Subsec. (s). Pub. L. 102-241 added subsec. (s).

1982—Subsec. (h). Pub. L. 97-295 substituted “(40 U.S.C. 471 et seq.)” for “, as amended,” after “Act of 1949”.

Subsec. (r). Pub. L. 97-276 and Pub. L. 97-322 made identical amendments adding subsec. (r) relating to medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.

1981—Subsec. (p). Pub. L. 97-136, inserted “including telephones in residences leased or owned by the Government of the United States when appropriate to assure efficient response to extraordinary operational contingencies of a limited duration,” after “of such lines and cables,”.

1976—Subsec. (n). Pub. L. 94-546 substituted “to be deposited in the Treasury” for “to be covered into the Treasury”.

1951—Subsec. (h). Act Oct. 31, 1951, §2(10), inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, and struck out the requirement that net monies received from the disposition of patrol boats, etc., be covered into the Treasury.

Subsec. (i). Act Oct. 31, 1951, §4(1), inserted provision permitting discontinuance of aids to navigation, etc., and struck out provision permitting discontinuance or other disposition of obsolete, unsuitable, or unserviceable aids to navigation, etc., and the requirement that the net monies received from such disposition be covered into the Treasury.

Subsec. (k). Act Oct. 31, 1951, §1(33), repealed subsec. (k) which empowered the Commandant to exchange aircraft, vehicles, and parts thereof, and obsolete, unsuitable, or unserviceable machines, tools, aids to navigation, appliances, equipment, and supplies in part payment for new items of the same or similar character.

1950—Subsec. (o). Act Aug. 3, 1950, struck out “and” after the semicolon.

Subsec. (p). Act Aug. 3, 1950, substituted “; and” for the period at end.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD

Pub. L. 111–281, title II, §217, Oct. 15, 2010, 124 Stat. 2917, provided that:

“(a) IN GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) CONTENTS.—The report required under subsection (a) shall contain the following:

“(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

“(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

“(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Coast Guard concerned.

“(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Coast Guard concerned.”

MARINE VESSEL AND COLD WATER SAFETY EDUCATION

Pub. L. 109–241, title IV, §405, July 11, 2006, 120 Stat. 535, provided that: “The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act [July 11, 2006] that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.”

REDISTRICTING NOTIFICATION REQUIREMENT

Pub. L. 108–293, title II, §215, Aug. 9, 2004, 118 Stat. 1038, provided that: “The Commandant shall notify the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before—

“(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

“(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.”

INNOVATIVE CONSTRUCTION ALTERNATIVES

Pub. L. 108–293, title II, §222, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.”

ICEBREAKING SERVICES

Pub. L. 109–241, title II, §210, July 11, 2006, 120 Stat. 523, provided that:

“(a) OPERATION AND MAINTENANCE PLAN.—Not later than 90 days after the date of enactment of this Act [July 11, 2006], the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan—

“(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

“(2) for the long-term recapitalization of these assets.

“(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

“(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).”

Pub. L. 107–295, title IV, §429, Nov. 25, 2002, 116 Stat. 2127, provided that: “The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYT-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.”

FISHING VESSEL SAFETY TRAINING

Pub. L. 107–295, title IV, §430, Nov. 25, 2002, 116 Stat. 2128, provided that:

“(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimburse-

ment, to an entity engaged in fishing vessel safety training, including—

- “(1) assistance in developing training curricula;
- “(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;
- “(3) sharing of appropriate Coast Guard informational and safety publications; and
- “(4) participation on applicable fishing vessel safety training advisory panels.

“(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.”

CONVEYANCE OF LIGHTHOUSES; NOTIFICATION

Pub. L. 105-383, title IV, §416(d), Nov. 13, 1998, 112 Stat. 3437, provided that: “Not less than 1 year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard.”

SMALL WATERPLANE AREA TWIN HULL (SWATH) TECHNOLOGY

Pub. L. 105-383, title IV, §425(a), Nov. 13, 1998, 112 Stat. 3441, provided that: “The Commandant of the Coast Guard shall, within 18 months after the date of the enactment of this Act [Nov. 13, 1998], report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.”

§ 94. Oceanographic research

The Coast Guard shall conduct such oceanographic research, use such equipment or instruments, and collect and analyze such oceanographic data, in cooperation with other agencies of the Government, or not, as may be in the national interest.

(Added Pub. L. 87-396, §1, Oct. 5, 1961, 75 Stat. 827.)

§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

(A) To carry firearms.

(B) To execute and serve any warrant or other process issued under the authority of the United States.

(C) To make arrests without warrant for—

(i) any offense against the United States committed in the agent's presence; or

(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of

statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Homeland Security or the Attorney General.

(Added Pub. L. 100-448, §10(a), Sept. 28, 1988, 102 Stat. 1842; amended Pub. L. 105-383, title II, §205(a), Nov. 13, 1998, 112 Stat. 3415; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1998—Pub. L. 105-383 substituted “Special agents of the Coast Guard Investigative Service law enforcement authority” for “Civilian agents authorized to carry firearms” as section catchline and amended text generally. Prior to amendment, text read as follows: “Under regulations prescribed by the Secretary with the approval of the Attorney General, civilian special agents of the Coast Guard may carry firearms or other appropriate weapons while assigned to official investigative or law enforcement duties.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

A Coast Guard vessel the home port of which is in the United States or Guam may not be overhauled, repaired, or maintained in a shipyard outside the United States or Guam, other than in the case of voyage repairs.

(Added Pub. L. 104-324, title III, §311(a), Oct. 19, 1996, 110 Stat. 3920; amended Pub. L. 111-281, title II, §218, Oct. 15, 2010, 124 Stat. 2918.)

AMENDMENTS

2010—Pub. L. 111-281 substituted “in the United States or Guam” for “in a State of the United States” and inserted “or Guam” after “outside the United States”.

§ 97. Procurement of buoy chain

(a) Except as provided in subsection (b), the Coast Guard may not procure buoy chain—

(1) that is not manufactured in the United States; or

(2) substantially all of the components of which are not produced or manufactured in the United States.

(b) The Coast Guard may procure buoy chain that is not manufactured in the United States if the Secretary determines that—

- (1) the price of buoy chain manufactured in the United States is unreasonable; or
- (2) emergency circumstances exist.

(Added Pub. L. 104-324, title XI, §1128(a), Oct. 19, 1996, 110 Stat. 3984.)

§ 98. National Coast Guard Museum

(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

(b) LIMITATION ON EXPENDITURES.—(1) Except as provided in paragraph (2), the Secretary shall not expend any appropriated Federal funds for the engineering, design, or construction of any museum established under this section.

(2) The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts.

(c) FUNDING PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

- (1) estimated planning, engineering, design, construction, operation, and maintenance costs;
- (2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and
- (3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

(d) AUTHORITY.—The Commandant may not establish a Coast Guard museum except as set forth in this section.

(Added Pub. L. 108-293, title II, §213(a), Aug. 9, 2004, 118 Stat. 1037.)

§ 99. Enforcement authority

Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

- (1) carry a firearm; and
- (2) while at a facility (as defined in section 70101 of title 46)—
 - (A) make an arrest without warrant for any offense against the United States committed in their presence; and
 - (B) seize property as otherwise provided by law.

(Added Pub. L. 111-281, title II, §208(a), Oct. 15, 2010, 124 Stat. 2912.)

§ 100. Enforcement of coastwise trade laws

Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter.

(Added Pub. L. 111-281, title II, §216(a), Oct. 15, 2010, 124 Stat. 2917.)

§ 101. Appeals and waivers

Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

- (1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or
- (2) have a senior staff member who—
 - (A) meets the requirements of paragraph (1);
 - (B) actively advises the individual adjudicating the appeal; and
 - (C) concurs in writing on the decision on appeal.

(Added Pub. L. 111-281, title V, §524(a), Oct. 15, 2010, 124 Stat. 2958, §102; renumbered §101, Pub. L. 111-330, §1(6)(A), Dec. 22, 2010, 124 Stat. 3569.)

AMENDMENTS

2010—Pub. L. 111-330 renumbered section 102 of this title as this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(6)(A) is effective with the enactment of Pub. L. 111-281.

CHAPTER 7—COOPERATION WITH OTHER AGENCIES

Sec.	
141.	Cooperation with other agencies, States, territories, and political subdivisions.
142.	State Department.
143.	Treasury Department.
144.	Department of the Army and Department of the Air Force.
145.	Navy Department.
146.	United States Postal Service.
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147a.	Department of Health and Human Services.
148.	Maritime instruction.
149.	Assistance to foreign governments and maritime authorities.
150.	Coast Guard officers as attachés to missions.
151.	Contracts with Government-owned establishments for work and material.
152.	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.
153.	Appointment of judges.

HISTORICAL AND REVISION NOTES

In connection with its maritime police, promoting safety of life and property at sea, and aiding navigation functions, the Coast Guard frequently finds it advisable to utilize the services of other agencies and correlatively, frequently finds its facilities useful to other agencies. This high degree of cooperation, a natural at-